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United Nations

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

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Chapter I
Introduction

1. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was convened in accordance with General Assembly resolution 64/115 and met at United Nations Headquarters from 1 to 9 March 2010.

2. In accordance with paragraph 5 of General Assembly resolution 50/52, the Special Committee was open to all States Members of the United Nations.

3. The Special Committee held three meetings: the 257th, on 1 March, the 258th, on 2 March, and the 259th, on 9 March. The Working Group of the Whole, established at the 257th meeting, held five meetings, on 1, 2, 3, 5 and 9 March.

4. The session was opened by Emmanuel Bichet (Switzerland), in his capacity as Chair of the previous session of the Special Committee.

5. At its 257th meeting, on 1 March, the Special Committee, bearing in mind the terms of the agreement regarding the election of officers reached at its session in 1981[1] and taking into account the results of the pre-session informal consultations among Member States, held on 4 February, elected the following members of its Bureau:

Chair:

Carlos D. Sorreta (Philippines)

Vice-Chairs:

Ismail Chekkori (Morocco)
Hilding Lundkvist (Sweden)

Rapporteur:

Oleksiy Shapoval (Ukraine)

6. At its 258th meeting, on 2 March, the Special Committee completed the constitution of its Bureau by electing the following member as Vice-Chair:

Luz Marina Moreno (Paraguay)

7. The Bureau of the Special Committee also served as the Bureau of the Working Group of the Whole.

8. The Director of the Codification Division of the Office of Legal Affairs, Václav Mikulka, acted as Secretary of the Special Committee. The Deputy Director of the Division, George Korontzis, acted as Deputy Secretary of the Special Committee and Secretary of the Working Group of the Whole. The Codification Division provided substantive services for the Special Committee and the Working Group.

9. At its 257th meeting, the Special Committee adopted the following agenda:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.

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[1] See *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 33* (A/36/33), para. 7.

5. Consideration of the questions referred to in General Assembly resolution 64/115 of 16 December 2009, in accordance with the mandate of the Special Committee as set out in that resolution.

6. Adoption of the report.

10. General statements touching on all or several items were made at the 257th meeting, as well as, in some instances, prior to the consideration of each of the specific items in the Working Group. The substance of those general statements is reflected in the relevant sections of the present report.

11. With regard to the question of the maintenance of international peace and security, the Special Committee had before it all of the related reports of the Secretary-General,[2] including the most recent one, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions"; the 1998 report on the matter containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162;[3] and a revised working paper submitted by the Libyan Arab Jamahiriya at the 2002 session on the strengthening of certain principles concerning the impact and application of sanctions.[4]

12. Also with regard to the question of the maintenance of international peace and security, the Special Committee had before it a further revised working paper,[5] introduced by Cuba during the 2009 session, of the proposal submitted by the same delegation at the 1997 session entitled "Strengthening of the role of the Organization and enhancing its effectiveness",[6] a revised proposal submitted at the 1998 session by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security,[7] and a revised working paper submitted by Belarus and the Russian Federation at the 2005 session containing a revised version of a draft General Assembly resolution.[8]

13. At its 259th meeting, on 9 March 2010, the Special Committee adopted its report on its 2010 session.

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[2] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224 and A/64/225.

[3] A/53/312.

[4] A/AC.182/L.110/Rev.1; see A/57/33, para. 89. The working paper constituted a revision of the proposal submitted by the Libyan Arab Jamahiriya during the Committee's 2001 session (A/AC.182/L.110 and Corr.1; see A/56/33, para. 116).

[5] A/AC.182/L.93/Rev.1.

[6] A/AC.182/L.93; see A/52/33 and Corr.1, para. 59. An addendum to the proposal was submitted at the 1998 session (A/AC.182/L.93/Add.1; see A/53/33, para. 84).

[7] A/AC.182/L.99; see A/53/33, para. 98.

[8] See A/60/33, para. 56. During the Committee's 1999 session, Belarus and the Russian Federation submitted a working paper containing a draft General Assembly resolution (A/AC.182/L.104) in which it was recommended that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence. At the same session, following discussions, the sponsors submitted a revised version of the draft resolution for future consideration (A/AC.182/L.104/Rev.1; see A/54/33, paras. 89-101). A further revised version was submitted at the 2001 session (A/AC.182/L.104/Rev.2; see A/56/33, para. 178).

Chapter II

Recommendations and decisions of the Special Committee

14. The Special Committee submits to the General Assembly:

(a) With regard to the question of the maintenance of international peace and security, the decision in paragraph 38 below and, concerning the strengthening of the role of the Organization and enhancing its effectiveness, the recommendation in paragraph 38 of its 2006 report;[1]

(b) With regard to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, the recommendation in paragraph 45 of the present report.

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 33* (A/61/33).

Chapter III
Maintenance of international peace and security

A. Implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions

15. The Special Committee considered the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions during the general exchange of views held at the 257th meeting, on 1 March 2010, and during the 1st and 2nd meetings of the Working Group of the Whole, on 1 and 2 March 2010.

16. At its 2nd meeting, on 2 March, the Working Group was briefed by representatives of the Department of Political Affairs and the Department of Economic and Social Affairs on developments relating to paragraph 11 of the report of the Secretary-General on this question (A/64/225), as requested by the General Assembly in paragraph 15 of its resolution 64/115. The statements were circulated.

17. It was recalled by several delegations that, in paragraph 2 of resolution 64/115, the General Assembly had taken note of the document entitled "Introduction and implementation of sanctions imposed by the United Nations", annexed to the resolution, which the Special Committee had decided at its 2009 session to submit to the Assembly.

18. Several delegations reaffirmed that sanctions, applied in accordance with the Charter of the United Nations, were an important tool in the maintenance and restoration of international peace and security, and should be designed with care so as to minimize any adverse impact that they might have on civilian populations and third States. It was stated that the Security Council had effectively addressed the question of the effects of sanctions, and that the more precise methods currently adopted by the Council and its committees in order to target and calibrate sanctions were increasingly successful in avoiding unintended effects.

19. Several delegations emphasized that sanctions should be introduced and applied in conformity with the provisions of the Charter and international law, should be clearly defined, and should be introduced only after all means of peaceful settlement had been exhausted and their effects had been thoroughly considered. They should not be applied "preventively" in instances of mere violation of international law and should be imposed only when there existed a threat to international peace and security or an act of aggression. It was reiterated that targeted sanctions constituted a better option for minimizing negative effects on civilian populations. Sanctions should have a specified time frame, be subject to periodic review and be lifted as soon as their objectives were achieved. It was reiterated that the International Law Commission should consider the issue of the legal consequences of the imposition of unlawful or illegitimate sanctions by the Security Council under the topic "Responsibility of international organizations". Concern was expressed over the imposition of unilateral sanctions in violation of international law and the right to development. A point was made that the role of the General Assembly should be strengthened in relation to sanctions.

20. Some delegations underlined the need for strict adherence to Article 50 of the Charter of the United Nations and recalled the provisions of relevant General

Assembly resolutions addressing the issue of assistance to third States affected by the application of sanctions. Reference was also made to the work accomplished by the Security Council Informal Working Group on General Issues of Sanctions.

21. In view of the fact that none of the sanctions committees had been approached by Member States concerning special economic problems arising from the implementation of sanctions since 2003, as confirmed in the report of the Secretary-General (A/64/225), some delegations were of the view that the Special Committee should acknowledge that positive development, avoid duplication of work and conclude its consideration of this topic.

22. According to other delegations, the issue of assistance to third States affected by the application of sanctions should be given priority consideration by the Special Committee. It was emphasized that even targeted sanctions could have a significant impact on third States. It was suggested that the Special Committee consider the findings of the ad hoc expert group convened in June 1998 (see A/53/312). Some delegations made specific reference to the issue of compensation to third States affected by the application of sanctions.

23. While the view was expressed that the possibility of establishing an assessment mechanism and adopting other practical measures to assist third States deserved to be examined, support was also expressed for a case-by-case approach with respect to the assessment of the possible unintended effects of the application of sanctions.

B. Revised working paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and the application of sanctions

24. The revised working paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and application of sanctions (A/AC.182/L.110/Rev.1), contained in the 2002 report of the Special Committee,[10] was referred to in the general exchange of views held at the 257th meeting of the Special Committee, on 1 March 2010, as well as during the 1st meeting of the Working Group of the Whole, also held on 1 March 2010.

25. Some delegations expressed their support for the proposal, in particular its provision of possible payment of compensation to target and/or third States for damage caused by sanctions found to have been unlawfully imposed.

26. The representative of the Libyan Arab Jamahiriya indicated that its delegation had not received any proposals for amendments to the revised working paper and called upon delegations to further study the document.

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[10] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 33* (A/57/33), para. 89.

C. Consideration of the further revised working paper submitted by Cuba at the 2009 session of the Special Committee, entitled "Strengthening of the role of the Organization and enhancing its effectiveness"

27. The further revised working paper, entitled "Strengthening of the role of the Organization and enhancing its effectiveness",[11] submitted by Cuba at the 2009 session of the Special Committee, was considered by the Special Committee during the general exchange of views held at the 257th meeting, on 1 March 2010, and during the 1st and 3rd meetings of the Working Group of the Whole, on 1 and 3 March 2010.

28. Some delegations expressed their support for the working paper. Attention was drawn to the important roles of the General Assembly and of the Economic and Social Council. Reference was made to the need to improve the representativeness of, and transparency in, the Security Council.

29. At the 3rd meeting of the Working Group of the Whole, the representative of Cuba indicated that its delegation had not received any proposals for amendments to the revised working paper. The sponsor requested that the working paper be kept, in its current version, on the agenda of the Committee, and called upon delegations to further study the document.

D. Consideration of the revised proposal submitted by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security

30. The revised proposal presented by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security[12] was referred to in the general exchange of views held at the 257th meeting of the Special Committee, on 1 March 2010, as well as at the 1st meeting of the Working Group of the Whole, also held on 1 March 2010.

31. Some delegations expressed their support for the proposal.

32. The representative of the Libyan Arab Jamahiriya indicated that its delegation had not received any proposals for amendments to the revised proposal and called upon delegations to further study the document.

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[11] For the text, see *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 33* (A/64/33), para. 32. For previous working papers submitted by the delegation of Cuba on this topic, see *Official Records of the General Assembly, Fifty-second Session, Supplement No. 33* (A/52/33), para. 59, and *Fifty-third Session, Supplement No. 33* (A/53/33), para. 84.

[12] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 33* (A/53/33), para. 98.

E. Consideration of the revised working paper submitted by Belarus and the Russian Federation

33. The Special Committee considered the revised working paper submitted by Belarus and the Russian Federation at the 2005 session of the Special Committee,[13] in which it was recommended, inter alia, that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence, during the general exchange of views at the 257th plenary meeting of the Special Committee, on 1 March 2010, and at the 1st and 2nd meetings of the Working Group of the Whole, on 1 and 2 March 2010.

34. The representative of the Russian Federation, as co-sponsor of the proposal, referring to the above-mentioned revised working paper, emphasized the topicality of its subject matter and spoke in favour of starting a comprehensive discussion which could lead to a general agreement on the issue. The co-sponsor also pointed out that the advisory opinion of the Court would contribute to the strengthening of the implementation of the jus cogens principle of the non-use of force or the threat of force, addressing lacunae in the Charter which did not contain detailed provisions regarding the use of force. It would also re-emphasize that the resort to the use of force by States should require its prior authorization by the Security Council and specify the legal consequences of not fulfilling that requirement. According to the co-sponsor, the advisory opinion of the Court would provide, in a non-politicized and non-confrontational fashion, a balanced and objective legal expert evaluation of the matter. It would also contribute to the progressive development of international law and to the strengthening of the primary role of the Court, as an impartial judicial institution.

35. The representative of Belarus, the other co-sponsor, reiterated that the advisory opinion of the Court would contribute to the uniform interpretation and application of the principles and norms of the Charter regarding the use of force, to the progressive development of international law and to the strengthening of the rule of law in international relations. The co-sponsor pointed out that any violations of the relevant Charter provisions should result in the responsibility of the offenders under international law. The co-sponsor also noted that the proposal was favourably viewed by most of the States and that some of its aspects were reflected, inter alia, in the draft articles elaborated by the International Law Commission on "Responsibility of States for internationally wrongful acts",[14] and trusted that they would be discussed in a comprehensive fashion by the Sixth Committee in the nearest future. Moreover, the co-sponsor suggested that the preparation of an advisory opinion of the Court could benefit from the results of the extensive academic research on the matter. Finally, the co-sponsor invited delegations to present their constructive suggestions, which could help to achieve consensus on the issue.

36. Some delegations reiterated their support for the proposal, which in their view would contribute to the strengthening of the principle of the non-use of force or the threat of force set out in the Charter and to the strengthening of the rule of law in

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[13] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 56.

[14] General Assembly resolution 56/83, annex.

international relations. Concern was expressed over attempts to justify the unilateral use of force, without authorization by the Security Council. It was pointed out that an advisory opinion of the International Court of Justice on the matter would be instrumental in preventing various subjective interpretations of the relevant Charter provisions by States.

37. A view was expressed that the issue of the use of force was adequately and clearly addressed in the relevant provisions of the Charter and, consequently, the proposal that an advisory opinion be requested by the General Assembly from the International Court of Justice on the matter could not be supported.

38. At its 259th meeting, on 9 March 2010, the Special Committee decided to keep the proposal on its agenda.

Chapter IV
Peaceful settlement of disputes

39. The Special Committee considered the item entitled "Peaceful settlement of disputes" during the general exchange of views at the 257th plenary meeting of the Special Committee, on 1 March 2010, and at the 2nd meeting of the Working Group of the Whole, on 2 March 2010.

40. During the general exchange of views, some delegations stressed that, according to the mandate of the Special Committee, the question of the peaceful settlement of disputes should remain in its agenda. While reaffirming the principles under the Charter of the United Nations relating to the peaceful settlement of disputes, some delegations also emphasized the important role of the judicial mechanisms, including the International Court of Justice. Recalling that the peaceful settlement of disputes was one of the essential goals of the United Nations and the most effective tool for maintaining international peace and security, they urged States to make the most effective use of the existing procedures and methods for the prevention and the peaceful settlement of their disputes, in accordance with the principles of the Charter, which would contribute to the strengthening of the rule of law in international relations.

Chapter V

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

41. During the general exchange of views held at the 257th meeting of the Special Committee, on 1 March 2010, as well as during the 3rd meeting of the Working Group of the Whole, on 3 March, delegations commended the ongoing efforts undertaken by the Secretariat to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and to reduce the backlog in the preparation of these publications. The continued efforts in making both publications available on the Internet were also welcomed. A call was made to the Secretary-General to continue his efforts towards updating the two publications. The significance of the two publications as research tools for the international community and their importance in the preservation of the institutional memory of the Organization were recalled. Some delegations called for additional voluntary contributions to the trust funds established for the *Repertory* and the *Repertoire*.

42. At its 3rd meeting, the Working Group was briefed by the Secretariat on the status of the preparation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

43. Concerning the *Repertory*, it was reported that Supplement No. 10 would cover a period of 10 years (2000-2009). The Secretariat had considered that extending the time period to be covered by the studies would make it possible to highlight significant trends, while also bringing the studies closer to the present time. It was further reported that work had already started on some studies pertaining to Supplement No. 10. Attention was also drawn to the progress made with regard to the preparation of studies pertaining to supplements that were in backlog. It was pointed out that cooperation with academic institutions in the preparation of draft studies was continuing and had also been extended. Nevertheless, the Secretariat continued to bear the ultimate responsibility for the preparation of the studies. It was further recalled that the website of the *Repertory*, which continued to be updated regularly, contained all the studies pertaining to the volumes that had been published thus far, as well as advance versions of studies to be included in volumes not yet published. The website was also equipped with a full-text search feature in the three languages of the *Repertory*. It was recalled that the General Assembly, in its resolution 64/115, had reiterated its call upon States to make voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*, and appreciation was expressed to those States that had made contributions thus far. It was underlined that financial contributions to the trust fund, as well cooperation with academia, offered invaluable support to the Secretariat in its efforts towards a speedy production of the *Repertory* studies.

44. With regard to the *Repertoire*, it was pointed out that the fourteenth supplement had been completed and that its advance version was accessible on the *Repertoire* website, except for a few case studies, which would be posted on the website before mid-2010. It was also reported that significant progress had been made on the fifteenth supplement and that all remaining chapters would be posted online towards the second half of 2010. Attention was drawn to the fact that the Secretariat had initiated the drafting of the sixteenth supplement, covering a shorter, two-year period (2008-2009), and had also undertaken the groundwork for the

preparation of the seventeenth supplement. Regarding the status of the completed supplements of the *Repertoire*, it was mentioned that the translation into all official languages of the eleventh supplement had been completed and that the available language versions had been published and posted online. The English versions of the twelfth and thirteenth supplements had been edited and awaited type-setting and indexing. It was further indicated that the website of the *Repertoire* was being overhauled, notably in order to include better search capabilities and a more user-friendly interface, and that the English version of the new website was expected to be launched in the third quarter of 2010. It was finally noted that progress had been achieved thanks to contributions made by States to the trust fund and sponsoring of associate experts. Thus, an appeal was made for continued donations and sponsorships and gratitude was expressed towards those States that had offered assistance so far.

45. The Special Committee on the Charter of the United Nations recommends that the General Assembly:

(a) Commend the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

(b) Note with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*;

(c) Reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire of the Practice of the Security Council*; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory of Practice of United Nations Organs* so as to further support the Secretariat in carrying out the effective elimination of that backlog; as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

(d) Call upon the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;

(e) Reiterate the responsibility of the Secretary-General for the quality of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and with regard to the *Repertoire of the Practice of the Security Council*, call upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952.[15]

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[15] A/2170.

Chapter VI
Working methods of the Special Committee and identification of new subjects

A. Working methods of the Special Committee

46. The issue of the working methods of the Special Committee was considered during the general exchange of views at the 257th plenary meeting of the Special Committee, on 1 March 2010, and at the 3rd and 4th meetings of the Working Group of the Whole, on 3 and 5 March 2010.

47. Some delegations stressed the need to further examine and improve the working methods of the Special Committee, as well as to fully implement the working methods adopted in 2006. It was pointed out that some proposals had been on the agenda of the Committee for many years and that the Committee had to take a decision regarding the items on which it should focus its efforts in order to make progress in its work. The need to avoid duplication of work of other bodies of the United Nations and to increase efficiency and productivity was also stressed. Some delegations suggested that the Committee should meet biennially in order to rationalize the use of the allocated resources and to allow more time for studying various proposals before the Committee, given that, at its current session, the Committee did not fully utilize the time allocated to its meetings. The shortening of the duration of the sessions of the Committee was also suggested as a way of improving its working methods if no consensus could be reached regarding biennial meetings of the Committee.

48. Other delegations, while agreeing to consider the duration of the sessions, insisted on annual meetings of the Committee. It was pointed out that meeting biennially and thus postponing the consideration of the proposals on the Committee's agenda would not improve its productivity but, rather, would adversely affect its work.

49. Some delegations stressed that conducting an overall review of the working methods of the Committee, rather than shortening the duration of its sessions, would benefit its work. In this context, it was suggested that the decision-making process be reviewed so as to allow for voting on various procedural matters, with important substantive legal issues decided upon by consensus. Some delegations spoke against procedural proposals which could undermine the Committee's mandate and insisted on postponing the consideration of the frequency and duration of its meeting until the next session of the General Assembly, to be conducted in the framework of the Sixth Committee.

50. The view was also expressed that the full implementation of the important mandate of the Committee depended upon the political will of States, adherence to its methods of work and the configuration of a solid thematic agenda, on the basis of new subjects that would allow for the optimum use of the Committee's resources. It was stressed that the Committee could contribute to the examination of the legal matters related to the reform and the revitalization of the Organization, including the issues relevant to the prerogatives of the Security Council and the General Assembly.

51. Some delegations supported the continuation of the Committee's consideration of all the proposals on its agenda and encouraged the Committee to conclude its deliberations on the relevant proposals. Special emphasis was placed on the continuation of the consideration of the items and proposals regarding the question of the maintenance of international peace and security.

B. Identification of new subjects

52. The issue of the identification of new subjects was considered during the general exchange of views at the 257th plenary meeting of the Special Committee, on 1 March 2010, and at the 3rd and 4th meetings of the Working Group of the Whole, on 3 and 5 March 2010.

53. Some delegations supported consideration of new proposals by the Committee; however, it was also asserted that, without the express mandate of the General Assembly, the Committee should not consider any new proposals which might envisage Charter amendments and that any such amendment should be considered only in the overall context of the reform of the United Nations.

54. Some delegations considered that consensus was not necessary for the inclusion of an item in the Committee's agenda, because it is a sovereign right of States and as such is contained in the mandate under resolution 3499 (XXX) of 15 December 1975.

55. Some delegations observed that, in order to propose new subjects for inclusion in the agenda of the Committee and according to its previously adopted methods of work, the Committee should first be encouraged to conclude its deliberations on the existing proposals on its agenda. A view was also expressed cautioning against adding new subjects for inclusion in the agenda.

56. At the 4th meeting of the Working Group of the Whole, on 5 March 2010, the representative of Ghana proposed to include a new subject entitled "Principles and practical measures/mechanism for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the maintenance of international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping, consistent with Chapter VIII of the Charter of the United Nations".

57. According to the sponsor of the proposal, the objective of the introduction of that new topic, which represented a continuation of the issue considered by the Committee in the context of the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,[16] would be to elaborate principles in order to enhance collaboration between the United Nations and regional organizations and to clarify their respective roles. With regard to the existence of discrepancies in their capacities, it was important that the partnership between the United Nations and regional organizations should be strengthened.

58. Several delegations, highlighting the importance of regional organizations, expressed their support for the proposal, suggesting that it should be considered by the Special Committee. Other delegations, while welcoming the initiative of Ghana,

[16] General Assembly resolution 49/57, annex.

indicated that more details would be needed before they could take a position on the matter.

59. At the 4th meeting of the Working Group of the Whole, on 5 March 2010, the representative of the Bolivarian Republic of Venezuela also proposed to include a new subject entitled "Special mechanism for the study on the functional relationship of the General Assembly, the Economic and Social Council, with the Security Council".

60. According to the representative of the Bolivarian Republic of Venezuela, the objective of that proposal was that the Special Committee would keep under constant review the issues raised by Member States on the working relationship between the General Assembly, the Economic and Social Council, and the Security Council, and its impact on the functioning and the strengthening of the United Nations. The proposal further included that the Special Committee would present the results of the aforementioned review in its next report to the General Assembly.

61. While some delegations expressed their support for the proposal, other delegations indicated that they took note of it and would need more time to further reflect on it. Several delegations mentioned the need for further details and discussions before expressing their position. Some delegations suggested a slight modification to the title of the proposal.

62. It was noted that the two new proposals by Ghana and the Bolivarian Republic of Venezuela, entitled, respectively, "Principles and practical measures/mechanism for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the maintenance of international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping, consistent with Chapter VIII of the Charter of the United Nations" and "Special mechanism for the study on the functional relationship of the General Assembly, the Economic and Social Council, with the Security Council" (see annex), should be further discussed and considered by the Special Committee at its next session, taking into account the views already expressed.

Annex

Proposal submitted by the Bolivarian Republic of Venezuela: "Special mechanism for the study on the functional relationship of the General Assembly, the Economic and Social Council, with the Security Council"

The Special Committee on the Charter is mandated by the General Assembly to seek, from a legal perspective, a strengthening of the role of the United Nations. This task necessarily implies protection attributions for the preservation of the principles and rules laid down by the Charter of the United Nations. That means that the Committee should ensure the legal and institutional components of the United Nations, specifically, the functional relationship, the legal powers and the functional requirements of the main bodies of the Organization.

Along those lines, Article 10 of the Charter authorizes the General Assembly to "discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter". The Charter does not confer such authority on another body. Similarly, the General Assembly has a universal decision-making power not possessed by other bodies. Therefore, the principal organs of the United Nations should preserve the functional relationship between them, mainly with the General Assembly, in exercising their duties. The Charter of the United Nations, on the other hand, clearly defines the areas of competence of the Security Council, as well as the other principal organs aside from the General Assembly.

The task of strengthening the role of institutions or international agencies happens as they reach the highest possible degree of legitimacy.

There is a high degree of concurrence among a significant number of Member States that consider that the Special Committee, given the functions conferred on it through General Assembly resolution 3499 (XXX) of 15 December 1975, should consider the delicate working relationship between the General Assembly, the Economic and Social Council, with the Security Council and its impact on the functioning and strengthening of the United Nations.

It is proposed that the Special Committee keep under constant review the issues that the Member States submit on the working relationship aforementioned and present the results in its next report to the General Assembly.

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